IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 5106 of 2007()

CRIME NO.1/07 OF M AYANNOOR FOREST STATION

PETITIONER/ACCUSED

P.K.THOMAS,PARECATTIL HOUSE,
PERUVA P.O., KOTTAYAM.

BY ADV. SRI.A.BALAGOPALAN
SRI.A.RAJAGOPALAN

RESPONDENTS/COMPLAINANT:

STATE OF KERALA,REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5106 of 2007

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Dated this the 22nd day of August, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations under Section 78 of the Kerala Forest Act. He is a Contractor, to whom the work of cutting and removal of Acacia trees was granted by the Forest Department. The crux of the allegations is that fire in the forest was caused by the petitioner. Crime has been registered. Investigation is in progress. The petitioner has received notice to appear before the Investigating Officer. The petitioner apprehends arrest. He hence seeks anticipatory bail.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail, subject to appropriate conditions. I take note of the contention of the learned counsel for the petitioner that the petitioner is not in any way responsible for the fire that had occurred and that to save the skin of the officials and to save them of the blame, false allegations are raised against the petitioner.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 30.8.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 31.8.2007 and 1.9.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 30.8.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 30.8.2007 as directed in clause (1) above, he shall be released on bail on his executing

a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 30.8.2007.

(R. BASANT)
Judge

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